



Montana Fish, Wildlife & Parks

1400 South 19th Avenue
Bozeman, MT 59718

September 11, 2009

To: Governor's Office, Mike Volesky, State Capitol, Room 204, P.O. Box 200801, Helena, MT 59620-0801
Environmental Quality Council, State Capitol, Room 106, P.O. Box 201704, Helena, MT 59620-1704
Dept. of Environmental Quality, Metcalf Building, P.O. Box 200901, Helena, MT 59620-0901
Dept. of Natural Resources & Conservation, P.O. Box 201601, Helena, MT 59620-1601
Montana Fish, Wildlife & Parks:

Director's Office	Parks Division	Lands Section	FWP Commissioners
Fisheries Division	Legal Unit	Wildlife Division	Design & Construction

MT Historical Society, State Historic Preservation Office, P.O. Box 201202, Helena, MT 59620-1202
MT State Parks Association, P.O. Box 699, Billings, MT 59103
MT State Library, 1515 E. Sixth Ave., P.O. Box 201800, Helena, MT 59620
James Jensen, Montana Environmental Information Center, P.O. Box 1184, Helena, MT 59624
Janet Ellis, Montana Audubon Council, P.O. Box 595, Helena, MT 59624
George Ochenski, P.O. Box 689, Helena, MT 59624
Jerry DiMarco, P.O. Box 1571, Bozeman, MT 59771
Montana Wildlife Federation, P.O. Box 1175, Helena, MT 59624
Wayne Hurst, P.O. Box 728, Libby, MT 59923
Jack Jones, 3014 Irene St., Butte, MT 59701
Jack Atcheson, 2309 Hancock Avenue, Butte MT 59701
Beaverhead Conservation District, 420 Barrett Street, Dillon, MT 59725
U.S. Army Corp of Engineers, Helena
U.S. Fish and Wildlife Service, Helena
U.S. Fish and Wildlife Service, 420 Barrett Street, Dillon, MT 59725
Big Hole Watershed Committee, P.O. Box 931, Butte, MT 59703
Montana Trout Unlimited, P.O. Box 7186, Missoula, MT 59807
John and Phyllis Erb, 540 Skyline Drive, Dillon, MT 59725
Dan Vermillion, FWP Commissioner, Livingston MT
John Nelson, P.O. Box 266, Wisdom, MT 59761
Fred and Lynn Hirschy, Wisdom, MT 59761
Dept. of Natural Resources and Conservation, 730 N. Montana Street, Dillon, MT 59725-9424
Anaconda Sportsmen, Anaconda, MT

Ladies and Gentlemen:

The enclosed Decision Notice has been prepared for a proposal to implement the Swamp Creek Diversion Improvement Project. The fluvial Arctic grayling population in the upper Big Hole Watershed is threatened by impaired habitat and instream flows. This project proposes to improve fish passage and the irrigation infrastructure of an existing degraded diversion on Swamp Creek, an important tributary for the Big Hole Arctic grayling population. One public comment was received during a 14-day comment period ending September 4, 2009.

It is my decision to proceed with the proposed project with no changes to the Draft Environmental Assessments. Questions regarding these Decision Notices should be mailed to: Jim Magee, Montana Fish, Wildlife & Parks, 730 N. Montana St., Dillon, MT 59725 or e-mailed to: mageejames@mt.gov

Thank you for your interest.

Sincerely,

Patrick J. Flowers
Region Three Supervisor
Attachments ()

**Swamp Creek Diversion
Improvement Project
Environmental Assessment Decision Notice**

**Montana Fish, Wildlife & Parks
Region Three, Bozeman
September 2009**

Proposed Action

Montana Fish, Wildlife & Parks (FWP) is proposing to provide funding and implement a project to improve an irrigation diversion on Swamp Creek, a tributary to the Big Hole River. The intent of this project is to improve the infrastructure that will allow better control and management of the irrigation system and improve fish passage. Specifically, the project will remove a pin and plank diversion and replace it with a rock grade control, install a headgate and measuring device, and regrade the irrigation ditch. The intent of this project is to provide the water users the ability to improve irrigation management which will allow for instream flow conservation in Swamp Creek, ultimately benefiting Arctic grayling and other native and sport fish species.

The project site is located on property owned by John Nelson (T2S, R15W, Section 20). The project is located approximately 3 miles west of the community of Wisdom in Beaverhead County

Montana Environmental Policy Act

FWP is required by the Montana Environmental Policy Act (MEPA) to assess significant potential impacts of a proposed action to the human and physical environment. In compliance with MEPA, an Environmental Assessment (EA) was completed for the proposed project by FWP and released for public comment on August 21, 2009.

Public comments on the proposed action were taken for 14 days (through September 4, 2009). The EA was mailed to 40 individuals and groups, and legal notices were printed in the *Montana Standard* (Butte, MT) and the *Dillon Tribune*. The EA was also posted on the FWP webpage: <http://fwp.mt.gov/publicnotices/>.

Summary of Public Comment

One public comment was received during the 14-day review period. The comment, received from the Anaconda Sportsmens Club was as follows "...the Anaconda Sportsmens Club is in favor of the improvement project at Swamp Creek."

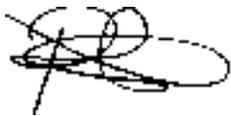
Final Environmental Assessment

There are no modifications necessary to the Draft Environmental Assessment based on public comment. The Draft Environmental Assessment, together with this Decision Notice, will serve as the final document for this proposal.

Decision

Based on the Environmental Assessment, public comment, and the need to preserve fluvial Arctic grayling and its habitat in Swamp Creek and the Big Hole River, it is my decision to proceed with the Swamp Creek Diversion Improvement Project that will enhance fish passage and provide the infrastructure to improve instream flow conservation efforts on Swamp Creek, a tributary to the Big Hole River.

I find there to be no significant impacts on the human and physical environments associated with this project. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required.



Patrick J. Flowers
Region Three Supervisor